



10101010. Gord does not teach transmitting such a code and it would be inconsistent with the teachings of Gord since alternating the pulses would not transmit meaningful data. The Examiner's answer states:

However, Figure 8 of Gord shows the generation of biphasic pulses with alternating polarity.

Figure 8 shows the pattern for the input data as 110000. The biphasic pulses are not alternating rather they represent the data stream 110000. To the extent the Examiner's Answer is suggesting taking the "10" from the stream of 110000 to meet the claim, this is addressed below.

The Examiner's Answer also states:

Appellant, also, states, the combination would require Gord to transmit a sequence of 101010101010. This is not entirely correct. If the combination of Gord and Vanderpool were to transmit the sequence of 101010101010 (sic 01010101?) (with, of course, data encoded in the time period between the biphasic pulses) the limitations of the claims would be met.

Applicant assumes that what was meant here was that 10101010 or 01010101 of Gord would also meet the limitation of the claim if combined with Vanderpool. While this may be true, again there is no teaching for either.

It appears that the Examiner's Answer may be relying on a single transmission by Gord of a "1" followed by a "0" or a "0" followed by a "1". Clearly this would occur in Gord when Gord is transmitting meaningful data. However, to pull this out of Gord and combined it with Vanderpool is inconsistent with the teachings of Gord and makes no sense. There would be no justification for taking a portion of Figure 8 (i.e. two bits) and combining it with Vanderpool. Merely taking two consecutive pulses from one patent and combining it with another without some justification for this combination is inconsistent with an obvious rejection. There must be some suggestion or nexus to justify a combination. Virtually no combination would be patentable if prior art elements could

be combined in a rejection without there being some nexus or teaching to justify the combination.

There is absolutely no justification for combining Gord with Vanderpool, and there is even less justification for selecting consecutive pulses from Gord and combining them with Vanderpool.

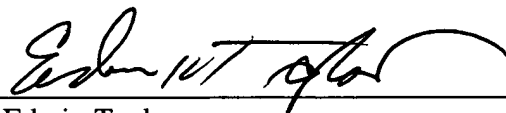
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Respectfully submitted,

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